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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/834,003	SCHEIRER, LOIS R.
	Examiner	**Art Unit**	
	Kenneth L. Bartley	3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 May 2007*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *29-33,51-64,93,96,97 and 105-110* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *29-33,51-64,93,96,97 and 105-110* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

The examiner for this application has changed. Please indicate Examiner Kenneth Bartley as the examiner of record in all future correspondences.

1.   Receipt of Applicant's amendment and response filed on May 7, 2007 is

acknowledged.

Response to Amendment

2.   Claims 29, 51-59, 93, and 96-97 are currently amended. Claims 105-110 are

new. Claims 1-28, 34-50, 65-92, 94-95, and 98-104 are canceled. Claims 29-33,

51-64, 93, 96-97, and 105-110 are pending in the application and are provided to

be examined upon their merits.

Response to Arguments

3.   Claim Rejections under 35 U.S.C. § 112

      a.   Claims 29 and 93 (responded to by Applicant on page 18, 2nd paragraph):

            i.   Both claims used the term "monitoring activities" which the

Examiner found unclear.

            Applicant response was to amend both claims by removing the

term "monitoring".

ii.   Both claims used the term "preventing" to restrict activity that

conflicts with Applicant's system, which the Examiner thought did not

clearly reflect Applicants invention.

Applicant amended the claims to clarify "preventing" conditions with

"...preventing at least one activity of a user conducted through the

server system that would influence foreign currency risk..."

b.   Claims 51 and 96 (responded to by Applicant on page 18, 3rd paragraph):

i.   Both claims used the term "problem specific variable" which is not

disclosed in the specification.

Applicant amended both claims to remove the phrase "problem

specific variable."

ii.   Both claims used the term "costs" and "price" which the Examiner

felt was ambiguous.

Applicant amended both claims to remove the word "costs" and

specified price with a transaction to more clearly define the term.

iii.   Both claims use "hedge strategies" but it is unclear where they

come from.

Applicant has amended the claims to provide for a hedge strategy.

The Examiner thanks Applicant for the claim modifications and withdraws 35

U.S.C. § 112 rejections for claims 29-33, 51-64, 93, and 96-97. However, new

35 U.S.C. § 112 rejections are presented below.

4.   Claim Rejections under 35 U.S.C. § 102:

    a.   Claims 29-33 and claim 93 rejected based on Walker et al. (U.S. Patent

No. 5,884,274)

        i.   Applicant points out on page 19, 2nd paragraph that...
"Walker et al. appears to discuss issuing and executing insurance policies
to protect against foreign exchange losses. As noted by the Examiner,
policy in this term refers to the insurance instrument. The method by
Walker et al. collects and stores requirements from a user and computes a
policy premium based on currency volatility estimates and market
conditions."

        The Examiner respectfully points out that Walker et al., uses the
term "policy" in two different ways:
**"FIG. 6 illustrates a preferred process for the end user to
select policy requirements 50 (FIG. 1). Policy requirements 50
describe parameters for insurance policy 60, and reflect the
insurance needs of the end user." (col. 6, lines 35-38).**

Therefore, there are both "policy requirements" as well as an "insurance
policy."

        ii.   The Applicant points on page 19, 3rd paragraph, and the top of
page 20, the following claim element in claims 29 and 93:
"... preventing at least one activity of a user conducted through the server
system that would influence foreign currency risk in the event that the user
activity conflicts with the risk management policy template."

And Applicant continues to point out...
"This claim element calls for a user activity that impacts foreign currency
risk to be prevented in the event the user activity conflicts with the risk
management policy template, i.e., a foreign currency risk management
policy that is previously established."

        However, the Examiner notes from Walker et al.,
**"If the exchange rate specified in insurance policy 60 is not
more favorable than the prevailing rate (step 1440), ATM 440 is
instructed (through ATM network 450) to pay the end user at
the prevailing exchange rate (step 1450). This prevents the
end user from invoking a claim under insurance policy 60 if
the prevailing exchange rate is less favorable or equal to the
prevailing rate." (col. 10, lines 50-56)**

Therefore, a user is prevented from invoking a claim if there is a conflict with the policy, which reflects the policy requirements.

iii.   The Applicant continues at the bottom of page 20...
"...the disclosure by Walker et al. fails to specify what is actually prevented, that is, Walker et al. do not disclose how a claim is invoked, or even what a claim actually is. In contrast, the present invention recited in claims 29 and 93 specifically calls for the prevention of an activity that would influence foreign currency risk, based on a conflict between the activity and a previously established risk management, policy template."

The Examiner notes that in this case, the claim would be for exchanging money, and the prevented activity is when the exchange rate is less favorable or equal to the prevailing rate.

iv.   The Applicant on page 21, top of page, requests that ...
"... claims 29 and 93 recite a number of elements that are not disclosed in the cited prior art reference of Walker et al. Because the cited prior art reference fails to disclose all the claim limitations recited in claims 29 and 93, Applicant respectfully submits that the rejection of those claims under 35 U.S.C. § 102(e) is overcome and respectfully requests that it be reconsidered and withdrawn."

The Examiner respectfully disagrees. Walker et al., uses policy requirements to establish the insurance policy. A review by claim element is presented below.

v.   The Applicant in the middle of page 21, requests that...
"Claims 30-33 depend upon and further limit claim 29, and should be allowable for all the reasons claim 29 is allowable, and also because of the further limitations recited in claims 30-33. Accordingly, Applicant respectfully submits that the rejection of claims 30-33 under 35 U.S.C. § 102(e) is overcome, and respectfully requests that it be reconsidered and withdrawn."

The Examiner respectfully disagrees and presents sections from Walker et al. below.

b.   Claims 51-64 and claims 96-97 were rejected based on Everson et al.
(U.S. Patent No. 6,938,010).

        i.   The Applicant amended the claims and because of the
        amendments, the Examiner brought in new reasons for rejection,
        presented below. The Examiner thanks the Applicant for their arguments
        to the prior art.

Based upon the foregoing analysis, and the analysis presented below, the

Examiner maintains rejection of the pending claims.

Below is presented the claim rejections, which have been modified to include

consideration of the amended and new claims.

Claim Objections

5.   Claims 58 and 110 are objected to because of the following informalities: Claim

58 states "…displaying a plurality of choice is related to…" is grammatically

incorrect. Regarding claim 110, the claim it references is 110. For purposes of

this examination the Examiner assumed it should be referencing claim 108.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

6.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

7.   Claims 105-110 are rejected under 35 U.S.C. 101 because the claimed invention

is directed to non-statutory subject matter. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 105, for example recites: obtaining a price; displaying hedging strategies; and displaying a second price. The claim fails to produce useful, concrete and tangible results since the chronicled data are not transformed into another parameter that produces useful, concrete and tangible results (MPEP 2106 IV C 2). In other words, the method recited in the respective claims do not meet the statutory definition of a process or method.

Specifically, regarding the process and method claims, the Court has held that the "transformation and reduction of an article to a different state or thing" is the clue to the patentability of a process claim that does not include particular machines. State Street Bank & Trust Co. v. Signature Financial Group, 149 F.3d 1368 (Fed. Cir. Jul. 23, 1998).

The instant claims do not meet this standard of a statutory definition of a process claim. Therefore, it is concluded that the subject claims are not directed to a statutory matter under 35 USC 101 since (i) they are not patentable as process claims and (ii) they do not produce useful, concrete, and tangible results. Claim 108 has the same problems as claim 105. Claims 106-107 and 109-110 are rejected on the same basis since they depend from the independent claims.

Claim Rejections - 35 USC § 112

8.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

9.   Claims 33, 51-64, 96, 97, 105-110 are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly

claim the subject matter which applicant regards as the invention.

10.   Claim 33 states "wherein said at least one predetermined activity…" but there is

no predetermined activity in claim 29 (antecedent basis is missing).

11.   Regarding claim 51 (also claim 96), "…obtaining a value to contribute to defining

a cross-border transaction." It is unclear what one value could be used to define

a cross-border transaction. For example, a conversion factor between two

currencies would consist of two values.

12.   Claims 51 and 96 use the terms "first transaction price" and "second transaction

price." The Examiner believes this refers to a market price and a calculated net

price (difference between the market and a hedge price) for the first and second

"transaction" prices respectively. It is not clear to the Examiner that these are

transaction prices, where the prices are based on transactions between two

parties.

13.   Claims 51 and 96, "…a second transaction derived from a combination of at least

a portion of the first transaction price and the at least one hedge strategy." It

impossible to obtain a price from a hedge strategy. The Examiner interprets this

to mean from a hedge price based on a hedge strategy.

14.   Claim 55 states "…reformulating the display of the second transaction price" and

claim 56 states "…sending the display of the second price." It is unclear how a

display can be reformulated or sent. For example, formulas can act on data to reformulate or send the new data.

15.   Claim 57 states "...displaying information describing a process for applying the display of the second transaction price." It is impossible to apply a display to act on a transaction price.

16.   Claim 58 states "displaying a plurality of choice is related to hedge strategies for the business activities." It is unclear what "a plurality of choice" means.

17.   Claims 58 and 97, "...forecasted currency values derived from the hedge strategy..." It is unclear how forecasted currency values can be derived from a hedge strategy and if the forecasted values are really a net value determined from forecasted market currency prices reduced by hedged values.

18.   Claims 105 and 108 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: a first price is obtained, but display of the first price, indicated by "...displaying a second price..." There is no selection process of a hedging strategy between the 2nd and last step, even though there is an indication in the last step that a choice was made. This is also true for claim 108.

19.   Because claims 51, 58, 105 and 108 are rejected, their respective dependent claims 52-57, 59-64, 106-107 and 109-110 are also rejected.

Claim Rejections - 35 USC § 102

20.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

21.   Claims 29-33 and 93 are rejected under 35 U.S.C. 102(e) as being anticipated by

U.S. Patent No. 5,884,274 to Walker et al.

Regarding claims 29:
(Currently amended) A method, operable in a server system, of determining a foreign
currency risk management policy, comprising:

providing at least one policy development question;
> **Walker et al. discloses:**
> **A server system... "Central controller 200 operates as a primary server,
> both receiving and transmitting communications with end-user interface
> 300 and transaction interface 400." (col. 3, lines 35-37)**
>
> **Managing currency risk with policy requirements... "FIG. 6 illustrates a
> preferred process for the end user to select policy requirements 50 (FIG. 1).
> Policy requirements 50 describe parameters for insurance policy 60, and
> reflect the insurance needs of the end user." (col. 6, lines 35-38). Also, it is
> notice that a distinction is being made between "policy requirements,"
> which describe parameters, and an "insurance policy," which could be
> considered an insurance contract.**

obtaining, in response to said at least one policy development question, at least one
user-provided answer;
> **"Specifically, a method of providing a foreign exchange insurance policy
> consistent with this invention comprises a central controller receiving
> policy requirements from a user for the foreign exchange insurance
> policy..." (col. 1, lines 66-67 and col. 2, lines 1-2)**

storing said at least one user-provided answer into a foreign currency risk management policy template; and

> **Fig. 2A provides a "Policy Requirements Database," where the fields provide a template for storing information... "As shown in FIG. 2A, policy requirements database 260 maintains data on policy requirements generated by the end user, and preferably includes fields such as end-user ID, credit card number, currency selected, exchange rate, start date of coverage, end date of coverage, amount of coverage, and policy requirements tracking number." (col. 4, lines 42-47)**

preventing at least one activity of a user conducted through the server system that would influence foreign currency risk, in the event that the user activity conflicts with the risk management policy template.

> **"If the exchange rate specified in insurance policy 60 is not more favorable than the prevailing rate (step 1440), ATM 440 is instructed (through ATM network 450) to pay the end user at the prevailing exchange rate (step 1450). This prevents the end user from invoking a claim under insurance policy 60 if the prevailing exchange rate is less favorable or equal to the prevailing rate." (col. 10, lines 50-56)**

Regarding claim 30:
(Original) The method of claim 29, wherein said at least one policy development question includes an inquiry regarding degrees of risk that are acceptable to a user.

> **Walker et al. discloses:**
> **A user providing, for example, the amount of coverage they wish to receive would indicate the degrees of risk they are willing to take... "The receiving means receives policy requirements from a user for the foreign exchange insurance policy, including a user ID, a specified currency, exchange rate, amount of coverage, and a period of coverage." (col. 2, lines 14-17)**

Regarding claim 31:
(Original) The method of claim 29, wherein said at least one policy development question includes an inquiry regarding measurement of a type of foreign currency risk.

> **Walker et al. discloses:**
> **A user providing, for example, an exchange rate, would indicate a measurement of a type of foreign currency risk, where unfavorable exchange rate changes could increase risk... "The receiving means receives policy requirements from a user for the foreign exchange insurance policy, including a user ID, a specified currency, exchange rate, amount of coverage, and a period of coverage." (col. 2, lines 14-17)**

Regarding claim 32:
(Original) The method of claim 31, wherein said type of foreign currency risk comprises transaction risk.

Walker et al. discloses:

Foreign currency risk could occur with a transaction when a need for conversion takes place... "The end user then selects the "locked-in" exchange rate (step 640). For example, if the current market rate for French francs is five per dollar, the end user may select five to one as his insured exchange rate. The end user may lock in any rate and the premium cost is computed accordingly. Insurance policy 60 will later compensate the end user for any transaction executed during a coverage period if the prevailing exchange rate at the time of transaction is less favorable than the locked-in exchange rate of five French francs per dollar. This protects the end user against an unfavorable fluctuation of the currency exchange rate." (col. 6, lines 66-67 and col. 7, lines 1-9)

Regarding claim 33:
(Original) The method of claim 29, wherein said at least one predetermined activity of said user comprises requesting a hedge transaction.

Walker et al. discloses:

Purchase of an insurance policy is a hedge transaction... "The present invention relates generally to foreign currency exchange, and more particularly to generating and executing insurance policies for foreign exchange losses." (col. 1, lines 6-8)

Regarding claim 93:
(Currently amended) A server system, connectable to a computer network, operable to determine a foreign currency risk management policy, comprising:

program code for providing at least one policy development question;

Walker et al. discloses:

A server system... "Central controller 200 operates as a primary server, both receiving and transmitting communications with end-user interface 300 and transaction interface 400." (col. 3, lines 35-37)

Connection to a computer network... "As shown in FIG. 1, a system consistent with the present invention includes a central controller 200, an end-user interface 300, and a transaction interface 400. The elements preferably connect to each other via a public switched telephone network. Alternatively, the system elements may be connected by dedicated data lines, cellular, Personal Communication Systems ("PCS"), microwave, satellite networks, Internet, or any other suitable form of data communications." (col. 3, lines 15-23)

> **Which can determine currency risk policies... "Policy requirements 50, insurance policy 60, and transaction data 70 travel through these connections." (col. 3, lines 23-24). Therefore, program code would be required for transmission of policy requirements, such as Fig. 2A.**

program code for obtaining, in response to said at least one policy development question, at least one user-provided answer;

> **"Specifically, a method of providing a foreign exchange insurance policy consistent with this invention comprises a central controller receiving policy requirements from a user for the foreign exchange insurance policy..." (col. 1, lines 66-67 and col. 2, lines 1-2). Since the central controller is receiving policy requirements, and the central controller is a computer system, program code must exist for obtaining the information.**

program code for storing said at least one user-provided answer into a foreign currency risk management policy template; and

> **"As shown in FIG. 2A, policy requirements database 260 maintains data on policy requirements generated by the end user, and preferably includes fields such as end-user ID, credit card number, currency selected, exchange rate, start date of coverage, end date of coverage, amount of coverage, and policy requirements tracking number." (col. 4, lines 42-47). Inherent in storing digital information would be program code to do so.**

program code for preventing at least one activity of a user conducted through the server system that would influence foreign currency risk, in the event that the user activity conflicts with the risk management policy template.

> **"If the exchange rate specified in insurance policy 60 is not more favorable than the prevailing rate (step 1440), ATM 440 is instructed (through ATM network 450) to pay the end user at the prevailing exchange rate (step 1450). Instructing an ATM would require program code.**

Claim Rejections - 35 USC § 103

22.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

23.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating
      obviousness or nonobviousness.

24.   Claims 51, 52, 54-57 and 96 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent No. 6,985,878 to Yamazaki et al. in further view of

U.S. Patent No. 7,024,383 to Mancini et al..

Regarding claims 51 and 96 (claim 96 is the related system claim):
(claim 51) (Currently amended) A method, operable in a server system, of determining
at least one foreign currency transaction price, comprising:

obtaining a value to contribute to defining a cross-border transaction;
         Yamazaki et al. discloses:
         "...a current price evaluating operation unit 301 for the original assets."
         (col. 6, lines 21-24), which would be a value for a foreign currency
         transaction.

obtaining relevant market data;
         Spot pricing for different currencies can be provided (Fig. 57 for example)

accessing at least one hedge strategy;
         "With the configuration, the user can compose a more effective financial
         characteristic from a plurality of financial characteristics, and introduce it
         to a current price evaluating operation." (col. 8, lines 36-39) Fig. 52 shows
         one example of a hedge, with the ability to enter different hedges.

inputting a first transaction price associated with the cross-border transaction; and
         "...a current price evaluating operation unit 301 for the original assets."
         (col. 6, lines 21-24). Fig. 38 would be an example of inputting a first price.

calculating and displaying a second transaction price derived from a combination of at least a portion of the first transaction price and the at least one hedge strategy.

> **Fig. 56 provides a display where "...the individually generated financial transactions can be arbitrarily combined to form a virtual transaction." (col. 35, lines 11-13).**
>
> **While Yamazaki et al., in the business of risk management of foreign transactions, discloses different pricing strategies that can be used for hedging, they do not disclose a "hedging strategy."**
>
> **Mancini et al., also in the business of risk management of foreign transactions, discloses a hedging strategy:**
>> **"A retailer or other sales agent is allowed to dynamically and transparently hedge currency risk as transactions occur. A given spot price can be maintained for a predetermined period of time, for example, one week or one month. As an e-commerce participant transacts business over the course of a predetermined time period, they can inform the financial institution, thereby allowing continually updating a notional amount of trade." (col. 2, lines 23-30)**
>
> **Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to allow for hedging strategies, motivated by Mancini et al., and that hedging strategies would be useful in selecting appropriate options with which to hedge currencies and would mitigate foreign currency risk.**

Regarding claim 52:
(Currently amended) The method of claim 51, further comprising:
accessing at least another hedge strategy; and
> **Yamazaki et al. discloses:**
> **"With the configuration, the user can compose a more effective financial characteristic from a plurality of financial characteristics, and introduce it to a current price evaluating operation." (col. 8, lines 36-39)**

calculating and simultaneously displaying a third transaction price derived from a combination of the first transaction price and the at least another hedge strategy.
> **The ability to create different prices for different pricing strategies (col. 35, lines 11-13)**

Regarding claims 54-57:
(claim 54) (Currently amended) The method of claim 51, further comprising, responsive to a user request, saving the display of the second transaction price.
(claim 55) (Currently amended) The method of claim 51, further comprising, responsive to a user request, reformulating the display of the second transaction price.

(claim 56) (Currently amended) The method of claim 51, further comprising, responsive to a user request, sending the display of the second transaction price.

(claim 57) (Currently amended) The method of claim 51, further comprising, responsive to a user request, displaying information describing a process for applying the display of the second transaction price.

> **Yamazaki et al. discloses:**
> **As described above, the individually generated financial transactions can be arbitrarily combined to form a virtual transaction (col. 35, lines 11-13). Therefore, it is possible to reformulate and display the information. Also, "In a program installed based on the object-oriented concept, the OODBMS (object-oriented database management system) is normally used to permanently hold an instance generated in the memory." (col. 14, lines 23-26). Therefore, the data can be saved. Various figures show the ability to display information, such as Fig. 56.**

25.   Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over the

references as combined in section (24) above in further view of Official Notice.

Regarding claims 53:
(Currently amended) The method of claim 52, further comprising displaying a variance between the second transaction price and the third transaction price.

> **While the references above disclose the ability to determine different prices based on options, they do not disclose calculating variances between a second and a third transaction price. However, the Examiner takes Official Notice that determining variances between two values is old and well known. Therefore, it would have been obvious to one skilled in the art at the time of invention to provide for variance analysis as a matter of design choice.**

26.   Claims 58-64 and 97 are rejected under 35 U.S.C. 103(a) as being unpatentable

over U.S. Patent No.5,787,402 to Potter et al. in further view of U.S. Patent No.

7,024,383 to Mancini et al..

Regarding claims 58 and 97 (claim 97 is the related system claim):
(claim 58) (Currently amended) A method, operable in a server system, for determining exposure foreign currency rate fluctuation, comprising:

obtaining user profile information describing business activities in a foreign country;
> **Potter et al. discloses:**

> **Profile information where... "A client only has access to those application functions that are so designated in the user profile and the client PC, which includes user trade limits, authorized trade times and additional password entry before trade release 222. If a client is logging on to the FX Trade Server, Money market Server, or FX Order Server, all available currencies for trade are sent to the client PC 230." (col. 6, lines 29-35).**

displaying a plurality of choice is related to hedge strategies for the business activities; obtaining a user selection of one of said plurality of choices;

> **"The FX Trade GUI provides the main trade entry for a spot trade, which appears when spot trade is selected from the "Enter" menu FIG. 5, 300 (refer to FIG. 15)." (col. 6, lines 67 and col. 7, lines 1-3). Also, "...if the client chose spot from the FX Trade Order GUI "Enter" menu, then "spot" was set as the default tenor 302 at the time that spot was chosen 300. In the alternative, a client may choose a different pre-set tenor or a broken date to place a forward trade rather than a spot trade (refer to FIG. 8)." (col. 7, lines 38-43)**

obtaining market data relevant to the user selected choice; and

> **"The present invention relates generally to methods and systems for performing automated financial transactions, and more particularly to a method and system for performing automated financial transactions involving at least two currencies at real-time market rates between a customer and a financial institution." (col. 1, lines 9-14)**

calculating and displaying, responsive to the user selected choice, forecasted currency values derived from the hedge strategy associated with the user selected choice applied to the business activities the foreign country.

> **Fig. 16 provides forward rates for a selected country.**
>
> **While Potter, et al., in the business of foreign currency transactions, discloses such things as forward trades, which can be used for hedging, they do not disclose the strategy of hedging.**
> **Mancini, in the same field of endeavor of managing foreign currency transactions, discloses such strategies:**
>
> > **"A retailer or other sales agent is allowed to dynamically and transparently hedge currency risk as transactions occur. A given spot price can be maintained for a predetermined period of time, for example, one week or one month. As an e-commerce participant transacts business over the course of a predetermined time period, they can inform the financial institution, thereby allowing continually updating a notional amount of trade." (col. 2, lines 23-30)**

> **Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine a hedging strategy with a foreign currency transaction, motivated by Mancini, and that such a strategy would reduce risk of users involved in foreign currency transactions.**

Regarding claim 59:
(Currently amended) The method of claim 58, further comprising:

displaying a plurality of hedge instruments associated with the user selected choice; obtaining a user selection of one of said plurality of hedge instruments; and

> **"The FX Trade GUI provides the main trade entry for a spot trade, which appears when spot trade is selected from the "Enter" menu FIG. 5, 300 (refer to FIG. 15)." (col. 6, lines 67 and col. 7, lines 1-3). Also, "...if the client chose spot from the FX Trade Order GUI "Enter" menu, then "spot" was set as the default tenor 302 at the time that spot was chosen 300. In the alternative, a client may choose a different pre-set tenor or a broken date to place a forward trade rather than a spot trade (refer to FIG. 8)." (col. 7, lines 38-43). Also, Figs. 15-17.**

issuing a request for a purchase of said selected one of said plurality of hedge instruments.

> **A 'trade" icon, Fig. 16 for example, with which a user can purchase a hedge instrument.**

Regarding claim 60:
(Original) The method of claim 58, wherein obtaining said user profile information describing business activities in a foreign country includes loading a user profile, said user profile including a value of said business activities in said foreign country.

> **Potter et al. discloses:**
> **"The system then automatically generates an offer in response to the customer's request based upon a number of parameters including the market price, the size and nature of the transaction and the size and nature of the client." (col. 3, lines 26-29). The size and nature of a client is indicative of profile information.**

Regarding claim 61:
(Original) The method of claim 58, wherein said obtaining said user profile information describing business activities in a foreign country further comprises obtaining authorization that a current user is permitted to provide said profile information.

> **Potter et al. discloses:**
> **"During client username and password entry, the client PC displays a message warning unauthorized users." (col. 4, lines 12-14). Also, Fig. 3 (ref. 202) and Fig. 4 (ref. 222) Also, "One client may have one or more entities assigned to it for use of an application. Individual authorized users**

> **within each client can utilize an application. Each user is assigned a
> unique user name and password and has different accesses and controls
> assigned." (col. 5, lines 53-57)**

Regarding claim 62:
(Original) The method of claim 58, further comprising calculating and displaying an
aggregate exposure to foreign currency exchange rates resulting from said business
activities.

> **Potter et al. discloses:**
> **Clients can organize and track orders on the Order Blotter, shown in Fig.
> 23.**
> **(Also, see below)**

Regarding claims 63 and 64:
(claim 63) (Original) The method of claim 62, wherein said calculating of said aggregate
exposure is responsive to at least one forecast of at least one currency exchange rate.
(claim 64) (Original) The method of claim 62, wherein said calculating of said aggregate
exposure is responsive to a user selected hedge strategy.

> **While Potter, et al., in the business of foreign currency transactions,
> discloses such things as blotters, he does not disclose aggregate
> exposure with a hedge strategy.**
> **Mancini, in the same field of endeavor of managing foreign currency
> transactions, discloses:**

>> **"A risk exposure for the predetermined time period can be calculated
>> based upon an aggregate amount of currency involved in
>> transactions during the predetermined time period. The risk
>> exposure can be based upon market data relating to the price of the
>> foreign currency." (col. 2, lines 48-53)**

>> **"A retailer or other sales agent is allowed to dynamically and
>> transparently hedge currency risk as transactions occur." (col. 2,
>> lines 23-24)**

> **Therefore, it would have been obvious to one of ordinary skill in the art at
> the time of invention to add the ability to aggregate exposures with a hedge
> strategy, motivated by Mancini, and that such a capability would be useful
> for a company trying to mitigate overall risk.**

27.   Claims 105-107 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent No. 6,985,878 to Yamazaki et al. in further view of U.S. Patent No.

7,024,383 to Mancini et al..

Regarding claim 105:
(New) A method, operable in a computer system, for determining a hedging strategy
related to foreign currency for a cross-border transaction, comprising:

Yamazaki et al. discloses:
**A hedging system that uses "...a financial risk management technology for
totally managing the risk in financial transactions using computers..." (col.
1, lines 8-10)**

**A system that manages the risk of "...various financial transactions based
on 'exchange' such as foreign exchange, lending/borrowing, bonds,
shares, commodities, interest rate/currency swaps, equity swaps,
commodity swaps, etc. can be integrated and modeled by a transaction
sequence modeling unit 211. (col. 5, lines 21-27)**

obtaining a first price for the cross-border transaction;
**"...a current price evaluating operation unit 301 for the original assets."
(col. 6, lines 21-24)**

displaying a plurality of selectable choices for hedging strategies; and
**"A list of transaction type definitions can be displayed by a left click on the
list field in the 'Kind' area in the 'Primary' tab area, thereby selecting a
defined transaction type. When a transaction type is selected, the
necessary input fields on the form are highlighted, and the initial value is
assigned in each field. The user can freely add and amend an invoked
transaction type definition." (col. 28, lines 56-62)**

displaying a second price for the cross-border transaction resulting from a hedging
strategy associated with a user selected choice from the plurality of selectable choices
being applied to the first price.
**"With the configuration, the user can compose a more effective financial
characteristic from a plurality of financial characteristics, and introduce it
to a current price evaluating operation." (col. 8, lines 36-39). Also, Fig. 56
provides a display where "...the individually generated financial
transactions can be arbitrarily combined to form a virtual transaction." (col.
35, lines 11-13).**

**While Yamazaki et al., in the business of risk management of foreign
transactions, discloses different pricing strategies and therefore hedging,
they do not disclose "hedging strategy."**

**Mancini et al., also in the business of risk management of foreign
transactions, discloses a hedging strategy:**
**"A retailer or other sales agent is allowed to dynamically and
transparently hedge currency risk as transactions occur. A given**

> spot price can be maintained for a predetermined period of time, for
> example, one week or one month. As an e-commerce participant
> transacts business over the course of a predetermined time period,
> they can inform the financial institution, thereby allowing continually
> updating a notional amount of trade." (col. 2, lines 23-30)

**Therefore, it would have been obvious to one of ordinary skill in the art at
the time of invention to allow for hedging strategies, motivated by Mancini
et al., and that strategies would be useful in selecting appropriate options
with which to hedge currencies and would mitigate foreign currency risk.**

Regarding claim 106:
(New) The method according to claim 105, wherein the first and second prices have a
predetermined currency.

> **A predetermined currency is used, JPY (Japanese Yen) in this case (Fig.
> 56)**

Regarding claim 107:
(New) The method according to claim 105, wherein the first and second prices are
stated in different currencies.

> **Different currencies can be used since the field "Unit" is an input field for a
> currency (Fig. 56).**

28.   Claims 108-110 are rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent No. 6,985,878 to Yamazaki et al. in further view of U.S. Patent No.

5,787,402 to Potter et al..

Regarding claim 108:
(New) A method, operable in a computer system, for determining a pricing strategy for a
cross-border transaction in relation to a business objective, comprising:

> **Yamazaki et al. discloses:**
> **A computer system that uses "...a financial risk management technology
> for totally managing the risk in financial transactions using computers..."
> (col. 1, lines 8-10)**

> **Where the system manages the risk of "...various financial transactions
> based on 'exchange' such as foreign exchange, lending/borrowing, bonds,
> shares, commodities, interest rate/currency swaps, equity swaps,
> commodity swaps, etc. can be integrated and modeled by a transaction
> sequence modeling unit 211. (col. 5, lines 21-27)**

obtaining a first price for the cross-border transaction;
> "...a current price evaluating operation unit 301 for the original assets."
> (col. 6, lines 21-24)

obtaining a policy for permitted pricing strategies;
> (see below)

displaying a plurality of selectable choices for hedging strategies for the first price
permitted by the policy; and
> "A list of transaction type definitions can be displayed by a left click on the
> list field in the `Kind` area in the `Primary` tab area, thereby selecting a
> defined transaction type. When a transaction type is selected, the
> necessary input fields on the form are highlighted, and the initial value is
> assigned in each field. The user can freely add and amend an invoked
> transaction type definition." (col. 28, lines 56-62)

displaying a second price for the cross-border transaction resulting from a hedging
strategy associated with a user selected choice from the plurality of selectable choices
being applied to the first price.
> "With the configuration, the user can compose a more effective financial
> characteristic from a plurality of financial characteristics, and introduce it
> to a current price evaluating operation." (col. 8, lines 36-39). Also, Fig. 56
> provides a display where "...the individually generated financial
> transactions can be arbitrarily combined to form a virtual transaction." (col.
> 35, lines 11-13).

> While Yamazaki et al., in the business of risk management of foreign
> transactions, discloses different pricing strategies, they do not disclose
> obtaining a policy.
> Potter et al., in the same field of endeavor of foreign currency transactions,
> discloses:
>> "The system then automatically generates an offer in response to the
>> customer's request based upon a number of parameters including
>> the market price, the size and nature of the transaction and the size
>> and nature of the client." (col. 3, lines 26-29)

>> "A client enters the required information--tenor or specified value
>> date, pre-set business rule for trading (either Straight, Take Profit or
>> Stop Loss), buy and sell currencies, buy amount, target rate and
>> selection for when an order will expire in the FX Order Server, as the
>> Order Blotter will reflect, namely, either GUC, GFD or GU 716 (see
>> FIG. 24)." (col. 13, lines 37-43)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to obtain a policy for pricing strategies, motivated by Potter et al., and that such information would be useful in proving corporate control over foreign currency purchases in order to mitigage unwanted corporate risk.

Regarding claim 109:
(New) The method according to claim 108, further comprising choosing the first price or the second price for the pricing strategy.
> **Yamazaki et al. discloses:**
> **Different prices for different pricing strategies (col. 35, lines 11-13)**

Regarding claim 109:
(New) The method according to claim 110, further comprising evaluating the business objective to contribute to choosing between the first price or the second price.
> **As disclosed above in claim 108, Yamazaki et al, when combined with Potter et al., disclose a pre-set business rule could include buy amount and target rate which could determine which price is selected.**

Conclusion

29.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of
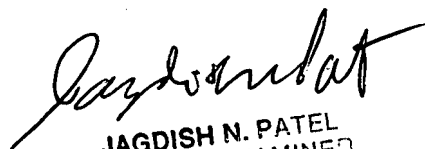
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth L. Bartley whose telephone number is (571) 272-5230. The examiner can normally be reached on Monday through Friday, 8:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jagdish Patel can be reached on (571) 272-6748. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JAGDISH N. PATEL
PRIMARY EXAMINER